

**MEMORANDUM**

**To:** CMAP Board

**From:** Kermit Wies

**Date:** June 5, 2013

**Re:** Developments of Regional Importance (DRI) Process

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CMAP staff recommends continuing the existing process for evaluating Developments of Regional Importance (DRI) until such time that the Board directs its re-examination. We recommend no modifications to the existing process.

In June 2009, the CMAP Board formally adopted its process for reviewing and evaluating large-scale proposals called "Developments of Regional Importance" (DRI). See Attachment 1: Existing DRI Process. The CMAP DRI process was the result of over one year of public discussions and presentations aimed toward providing us with an appropriate and relevant protocol for contributing to the successful planning of projects that would likely introduce significant changes to their communities and to the region.

To ensure transparency and predictability, specific thresholds, criteria and procedural rules were included in the DRI Application process. Only those with recognized jurisdiction can request the DRI review. The impact thresholds are purposefully high and are explicitly stated. A limited time window was imposed to ensure that a DRI review cannot interfere with other regulatory reviews or permitting processes. In reviewing a DRI Application, the Board has two options: commission an Advisory Report or issue a No Further Action letter. The resulting Advisory Report can only address an established list of topics and must be published within 30 days, after which the Board can (but is not required to) discuss it further. There are also provisions requiring direct notice of the DRI review to interested and affected individuals.

The original DRI process was approved for a two-year trial period. The two year period commenced on August 1, 2009 and ended July 31, 2011. Following the two-year trial period, the Board indicated that it would review the process and its effectiveness. In August 2011, the Board extended the DRI process for another two year period. During the entire four year period, no DRI applications have been forthcoming.

The reasoning behind the two-year trial periods was to ensure that the efficacy of the DRI process be examined in light of ensuing applications. Because no applications have been received, staff recommends maintaining the existing process with the understanding that the Board may direct a re-examination of the DRI process at its discretion.

ACTION REQUESTED: Approval

# **CMAP Process for addressing Developments of Regional Importance**

As adopted by the CMAP Board

## **Background**

Assessing the impacts and providing planning guidance on Developments of Regional Importance (DRIs) was introduced in 2009 as a new element to the work program of the Chicago Metropolitan Agency for Planning (CMAP). The preceding regional planning agencies had occasional involvement in regionally significant land use or economic development proposals in addition to including major capital transportation improvements in the Regional Transportation Plan (RTP). CMAP's DRI process provides an opportunity for regional partners to comprehensively assess the regional implications of large-scale development proposals, reconcile regional priorities associated with these proposals and coordinate independent actions in support of regional goals. Examining these impacts from the regional perspective offers an opportunity to align projects and create consistency with our regional plans such as the CMAP *GO TO 2040* Plan.

The CMAP Board formally adopted the DRI process in June 2009, for a two year trial period from August 1, 2009 through July 31, 2011. Following the trial period, the Board indicated it would review the process and its effectiveness. During its August meeting, the CMAP Board extended the trial period for an additional two years, until July 31, 2013.

The Illinois Legislature specifically enabled<sup>1</sup> CMAP in this area:

Sec. 47. Developments of Regional Importance. The Board shall consider the regional and intergovernmental impacts of proposed major developments, infrastructure investments and major policies and actions by public and private entities on natural resources, neighboring communities, and residents. The Board shall:

(a) Define the Scope of Developments of Regional Importance (DRI) and create an efficient process for reviewing them.

(b) Require any DRI project sponsor, which can be either a public or private entity, to submit information about the proposed DRI to CMAP and neighboring communities, counties, and regional planning and transportation agencies for review.

(c) Review and comment on a proposed DRI regarding consistency with regional plans and intergovernmental and regional impacts.

It is CMAP's intent to review development proposals that have the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or to the natural environment. Of particular concern are characteristics of proposals that may have

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<sup>1</sup> Illinois General Assembly, Public Act 095-0677.

impacts beyond the jurisdiction of the permitting agency (e.g. municipal zoning, county stormwater, state transportation departments). At the same time, it is not CMAP's intent to usurp the due authority of permitting agencies or unnecessarily delay a proposed development with a review of questionable relevance or value.

## **Introduction**

This DRI process is extended for an additional two-year trial period by CMAP until July 31, 2013. At that time, the process and its effectiveness will be reviewed by the CMAP Board.

### **1. Requesting a DRI review**

Requests that CMAP review a project may be made by:

- Municipal or County resolution
- A CMAP Board member or the Executive Director
- Majority vote of a CMAP Coordinating Committee
- A public or private project sponsor

Citizens, private organizations and other government entities may initiate a DRI review via any of the above means.

A standard request form will require sufficient supporting information to allow CMAP staff to certify that the request is legitimately made and the proposed DRI meets criteria and exceeds thresholds needed for the review to proceed.

CMAP will notify jurisdictions with authority and affected property owner(s) of record of the request for a DRI review. Neighboring property owners and jurisdictions will be notified in consultation with the local government. The request will also be posted on CMAP's Website in a form permitting interested individuals to subscribe for e-mail notification.

All requests will be submitted for review by the CMAP Board accompanied by the staff assessment outlined under item 4 below.

### **2. Criteria that determine CMAP's time window for reviewing a DRI.**

These criteria are applied depending on whether the request is to review a private or public project.

- For privately funded developments, requests for a DRI review are accepted by CMAP staff only after the relevant zoning change application has been filed with the local governments with jurisdiction. DRI designations must be made prior to development rights being vested by the appropriate local government using its zoning authority to permit the proposed use by right.

- For publicly funded developments, requests for a DRI review are accepted by CMAP staff only after the project is programmed for preliminary engineering. DRI designations must be made prior to the project being programmed for construction. If all necessary federal or state permits are already issued then CMAP will not review the development under the DRI process.

### **3. Thresholds that must be exceeded for CMAP to proceed with a DRI review.**

At least **one** of following quantitative thresholds must be exceeded in order for CMAP to proceed with a DRI review.

- The project is estimated to generate or divert greater than 50,000 auto vehicle trips (or truck equivalent) per day on the region's highway system.
- The project is estimated to add a net discharge of greater than 5 millions gallons effluent per day.
- The project adds greater than 500 acres of impervious paved surfaces and rooftops.

Projects within 100 yards of critical streams and natural areas as identified in the accompanying map may proceed with a DRI review by applying the above thresholds reduced by 50%.

### **4. DRI designation by the CMAP Board.**

The following steps compose the DRI Review by the CMAP Board.

- A. CMAP staff prepares documentation certifying that:
  - The DRI request has been properly made.
  - Criteria to review within the proper time window are met.
  - DRI thresholds are exceeded based on reported characteristics of the project.
- B. The DRI request and the staff documentation is placed on the agenda for the next regular Board meeting.
- C. After discussion, the Board votes to accept/reject the DRI review request.
  - By accepting: The Board is directing CMAP staff to conduct an evaluation and prepare an advisory report within 30 days.
  - By rejecting: The Board is directing CMAP staff to issue a statement of no further action on the request.
- D. CMAP will notify jurisdictions with authority and affected property owner(s) of record of the Board's decision. Neighboring property owners and jurisdictions will be notified in consultation with the local government. The Board's decision will also be posted on CMAP's Website in a form permitting interested individuals to subscribe for e-mail notification.

## 5. DRI Advisory Report

The following steps compose the preparation by CMAP staff of the DRI Advisory report. A DRI Advisory Report is prepared only if the Board votes to accept the DRI review request. The DRI Advisory Report must be published within 30 days of the Board's acceptance of the DRI request. The report will contain recommendations in support of our regional comprehensive plan and best management practices.

- A. CMAP staff prepares an outline of advisory report topics to be evaluated along with an itemization of information needed to analyze the project (including but not limited to traffic estimates, site maps, proposed uses and densities). The advisory report will seek to establish whether the proposal:
  - a. Significantly affects important features of the natural environment.
  - b. Significantly changes prevailing development density. Examples include large new developments that might place unexpected burdens on water supply, sewer, storm water and local road systems.
  - c. Significantly affects operations on a regional transportation facility. Examples include major commercial, industrial or warehousing developments sited for convenient access to expressways and tollways.
  - d. Significantly changes existing land use patterns. Examples include substantial conversion between agricultural, residential, commercial and/or industrial uses.
  - e. Affects the function or performance of a planned or existing public investment.
- B. CMAP's mission is to help the counties and municipalities in the region plan together for sustainable prosperity through mid-century and beyond guided by the GOTO2040 plan. The four major themes of the plan follow below.
  - a. Livable Communities – communities that create a sense of place. They are safe, healthy and walkable. Viable transportation choices are available to school, jobs, services, and basic needs. They are more cost effective for community members and local government and make the region more economically competitive.
  - b. Human Capital – improving the quality of our work force to help sustain economic prosperity. Job growth can be encouraged by making well-educated, skilled workers for knowledge-based industries available. We can gain significant competitive advantage by ensuring that businesses and

residents have the skills necessary to compete with other global economic centers.

- c. Efficient Governance – achieving transparency to help local governments invest their limited resources. To maximize the benefits that residents see from public investments, government agencies in the region need to coordinate decisions and investments strategically. Better access to information will help us reach these goals by putting essential data at the fingertips of local decisions makers and also the residents they serve.
- d. Regional Mobility– modernize our transportation system as an indispensable component of our region’s future prosperity. Sustaining our economy and quality of life requires that residents be able to travel quickly and easily around the region. With this mobility, residents can choose from a wide variety of jobs and communities in which to live. Such freedom of movement also gives businesses confidence that their goods will be delivered in a timely way.

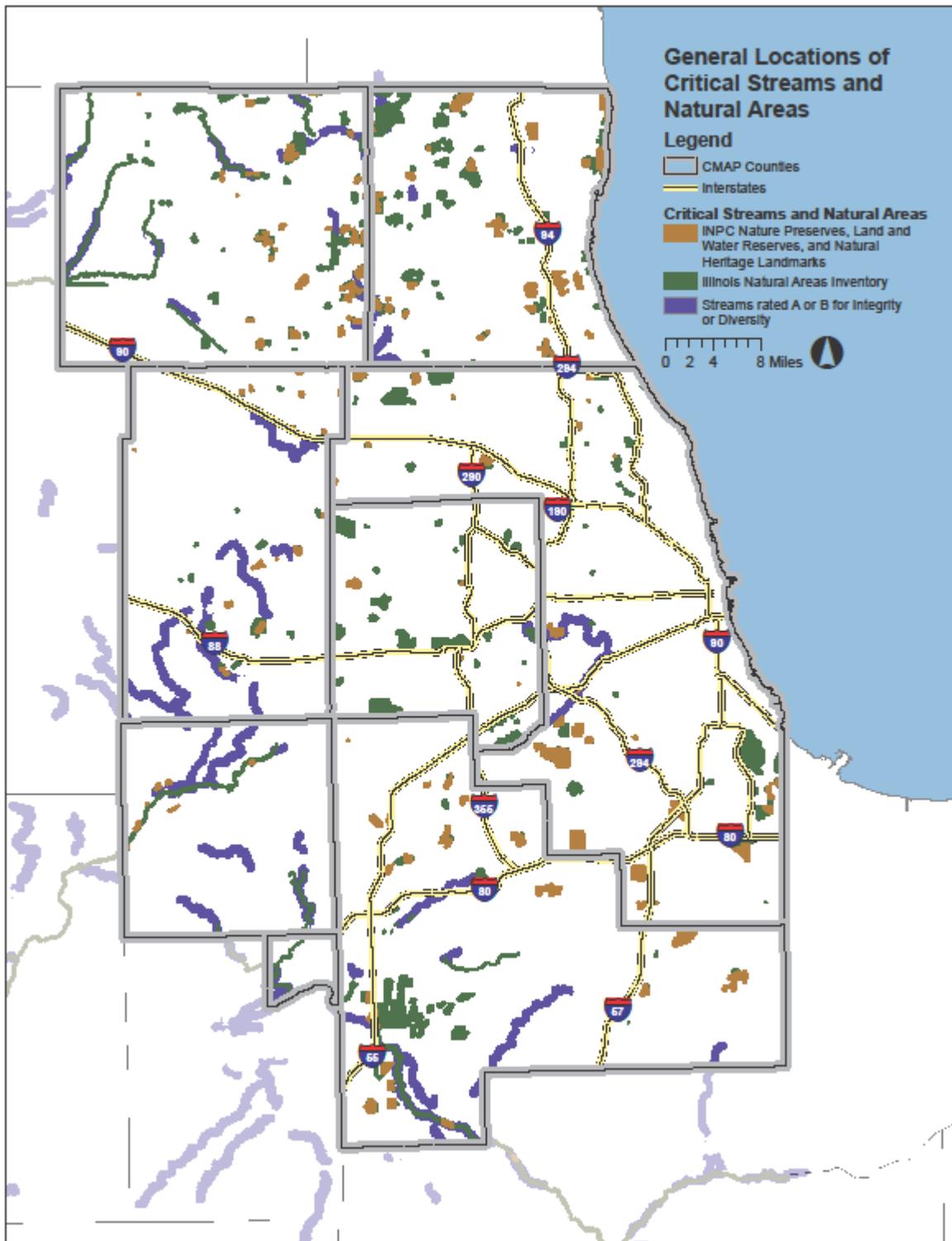
The advisory report will seek to establish the extent to which the DRI supports or advances these themes and implements the *GOTO2040* plan.

- C. If CMAP staff does not currently have access to needed data, a request is made to jurisdictions with authority. At their discretion, the jurisdiction may pass the request to an appropriate provider of the data. In any case, CMAP staff will proceed with preparing the advisory report with the best available data.
- D. CMAP staff will formally submit the report to the CMAP Board. CMAP will notify jurisdictions with authority and affected property owner(s) of record of the advisory report publication. Neighboring property owners and jurisdictions will be notified in consultation with the local government. The publication will also be posted on CMAP’s Website in a form permitting interested individuals to subscribe for e-mail notification.

## **6. Closing the DRI review**

The DRI process is considered complete once CMAP publishes the advisory report or issues a No Further Action statement. CMAP will not accept repeat requests to review a project unless the scope or scale of the project has substantially changed.

The CMAP Board may hold subsequent discussion on the subject matter of the advisory report at its discretion.



**\*\*This map will be available online in a navigable format on July 1, 2009.**

## Frequently Asked Questions (FAQs)

### **What is a Development of Regional Importance (DRI)?**

A DRI is a large-scale development proposal that has the possibility of introducing widespread regional impacts to the daily activities of significant numbers of people or the natural environment.

### **Does CMAP charge a fee to review a DRI?**

There are currently no plans to charge a fee for reviewing a potential DRI.

### **Are there any financial incentives to encourage compliance?**

There is no current policy for financial incentives.

### **What kinds of response might the CMAP Board give in their review?**

In acting on the DRI request, the Board may either issue statement of No Further Action or direct staff to prepare an advisory report to be completed within 30 days. The Board may review and comment on the advisory report content at its discretion.

### **Why would anyone want to have their projects reviewed?**

Sponsors can receive good publicity akin to a 'Good Planning Seal of Approval.' CMAP's review may also assist proposal sponsors in responding to local concerns regarding the impacts of a proposal. The dialogue and evaluation associated with the DRI process may also reveal opportunities to improve a proposal.

### **What criteria define a "project sponsor"?**

A project sponsor is defined as the direct agent of the proposed development. This may be the owner of the property to be developed or a firm seeking to operate a new business enterprise. The intent of permitting a project sponsor to request a DRI review is to legitimate CMAP involvement in otherwise local permitting processes.

### **Does CMAP have the authority to stop a project?**

No, CMAP's role is advisory.

### **What happens after a DRI review?**

After the DRI review, the process is complete. CMAP may hold further discussion at its discretion.

### **How should advocacy groups and citizens initiate a DRI?**

All individuals are governed by a County or municipality and they are free to communicate with governmental leaders inside and outside their own jurisdictions. All counties and municipalities are represented by members on the CMAP Board. Specific planning interests are also represented on CMAP working committees. This allows any individual or advocacy group an avenue to organize a formal DRI review request.

**Will affected communities and interested parties be alerted that a project is being considered for a DRI?**

Yes, through conventional methods of public notification and disclosure such as the local zoning administrator, media and internet.

**What is the role of CMAP staff in the DRI process?**

Only CMAP's Executive Director may request a DRI review. Existing staff will be trained to manage DRI administration. Senior staff with subject matter expertise will be asked to prepare an Advisory Report if necessary.

**How does the DRI complement the GO TO 2040 Plan?**

A proposed DRI will be reviewed and recommendations made based on consistency with CMAP's regional plans.

**Does the DRI process replace or duplicate other CMAP review procedures?**

No, the DRI process is intended to review the comprehensive planning implications of large-scale development. Other review procedures focus on more strategic planning concerns.

**What is the DRI threshold for projects near a critical stream and/or natural area?**

Applications for review of a development with project boundaries within 100 yards of critical streams and natural areas identified on the map approved by the CMAP Board may proceed by applying thresholds reduced by 50%. Off-site utility, service, and emergency access installations associated with any development are not eligible for threshold reduction.

**Who defines the critical streams and natural areas?**

The critical streams and natural areas are defined by the Illinois Department of Natural Resources. A mapped representation of IDNR's inventory is the only source used in determining the eligibility for threshold reduction.

**How many votes are needed for the CMAP Board to act on a DRI request?**

CMAP's Board requires a supermajority of 12 of 15 votes to act on any matter before them.

**Can CMAP's Board override the threshold requirement for any proposed DRI review?**

The CMAP Board has legislative authority to consider regional and intergovernmental impacts of proposed developments.